

Admissions Policies and Practices: WCL Admissions as an Example

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Introduction

Thank you very much. Because my stay with the law faculty at Ritsumeikan University is about to end, I would be remiss not to thank the faculty and the school for the courtesy, kindness, and hospitality I have been shown. I have enjoyed my stay immensely and although my family and I are looking forward to returning to the United States, we leave with some sadness. Before I left, I wanted to express how much I appreciate the opportunity to have taught at the school.

I have chaired the admissions committee at the Washington College of Law for the last two years, and over my career I have chaired the admissions committee five times and served, including that service as chairman, over 10 years on the committee. I was asked to comment on admissions at the Washington College of Law in light of the changes that may be occurring in legal education in Japan.

I want to talk about four things: the basic premises or principles of admissions at the Washington College of Law [WCL], about the admissions process itself, about some of the issues and controversies regarding admissions in the US, and finally about the regulation of the admissions process

I Premises of WCL Admissions

At WCL, the most important premise of the admissions process is that it is controlled by the faculty. Six faculty members sit on the admissions committee. The committee either approves applicants for admission or reviews approvals. As chairman, I read the files of every applicant who was approved by the committee and made the final decisions regarding admission to the class. The committee exercises its authority as a delegation from the faculty. Each fall the chair of the committee, on its behalf, submits a report to the faculty on the admissions process for that year. By formal vote the faculty who has delegated authority to us for the past year must renew that authority for the coming year.

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If the faculty does not approve of the actions of the admissions committee, they have the opportunity in voting on the delegation of authority to seek changes in the policies and practices with which they disagree.

We also believe, given the character of WCL, students of the law school should play a role in admissions. They play a formal role in admissions because two graduating students are voting members of the admissions committee. The committee consists of eight voting members, six of them are faculty members and two of them are students. The student members are graduating students and as such will not be in the school when the class enters which they helped to admit. Students have been very valuable members of the committee.

Students also play a very important role in recruiting applicants, that is, encouraging people to apply to our law school. On our application, one question asks who or what prompted you to apply to the WCL; a very common answer is a friend who attends the school.

Students also play an important role to help convince applicants that we have admitted to accept our offer and enroll at the law school, a role to which I will return briefly below.

Admissions requires a professional staff. The complexity and administrative detail involved in admission is beyond a faculty committee. In our administrative office, we have a senior staff member who is the director of admissions. There are two assistant directors and two full-time admissions counselors. In addition, during the period from January to May, we hire a number of part-time staff to help us assemble the applications and prepare them for committee review. The staff is extremely important because for most applicants their only contact with WCL will be through a staff member at the admissions offices. It is important that that staff be professional — that they recognize the values and principles of the law school and that they convey those values in their dealings with applicants.

Quantitative factors are important but not controlling. In our administrative process, we place some emphasis on quantitative factors, particularly the score on the Law School Admissions Test [LSAT] and the undergraduate grade point average [GPA]. We use an index number which is based on a formula relating the undergraduate GPA and the LSAT score. We establish the weight to be given to the GPA and to the LSAT. This index should predict for us how a student will do in the first year of law school. Approximately every two years we examine its predictive value by conducting a validity study which compares the performance which it predicted for students with their actual performance in the first year. We can then make any adjustment necessary in the weight attached to these two criteria.

More than most schools, we do not rely exclusively or in some instances, even principally, on the quantifiable criteria. Non-quantifiable criteria, such as, recommendations, personal statements, and the background of students are important.

We do have an index number above which it is presumed that someone will be admit-

ted, and that file is reviewed only to see if there is some disqualifying factor in the file. Such disqualifying factors might include convictions for serious criminal offenses, a troubling disciplinary record in college, or an extremely weak course of study.

Likewise, there is a level below which, it is presumed that an applicant would not be admitted. However, these files are also reviewed to determine whether there is something extraordinary or unusual in the file that justifies admission of the student. Such factors can include excellence in graduate school or in demanding employment, usual personal experiences, or demonstration of success in the face of adversity. For example, two years ago, when I chaired the committee, we admitted a woman whose index was at the level where denial of admission would be presumed. However, the index was low because she had done very poorly on the LSAT. She had a very high GPA from a strong liberal arts college in the United States. She had been liberated from a Serbian prison camp by French troops; she came to the US on a scholarship to study at a college in a culture and language with which she was not familiar but she succeeded spectacularly. She had already published articles and book chapters on international human rights. She was someone that we knew would succeed. She was a person that we wanted in our class.

The quantifiable criteria play an important role in admissions, but they are not controlling. The reason we devote as much faculty time to admissions as we do is to try to identify people, among those with same quantifiable indicators, who possess attributes that we want included in our class.

Among these less quantifiable indicators are personal statements, letters of recommendation and personal statements. These characteristics cannot be made part of an index. Even the quantifiable characteristics, such as the undergraduate grade point average (GPA) are subject to interpretation. As a result, admissions is not and cannot be a science. Instead, it is an art. To demonstrate this, I would like to discuss the subjective aspects of evaluating quantifiable criteria and then explore the evaluation of other less quantifiable criteria.

Even persons with the same GPA, may seem significantly different. The differences in perception rest on real differences but require some subjective evaluation. For example, the quality of the institutions may vary. One institution may be less demanding than another, a subjective judgment based on our experience with students from different institutions. In addition, the same GPA may rank students differently within the group of persons from their institutions who have taken the LSAT. For example, the GPA college mean at one school may be a 3.09. A student's average of 3.13 at that school might place them in the 53rd percentile. At another school, the same grade average might place them in the 65th percentile of the class. Some schools have mean grade point averages as high as 3.4. At such a school, a student with a 3.13 would be well below the middle of the class.

Also, the character of the program of study that a student has followed may influence

how the grade point average should be evaluated. As part of the application materials, we receive a transcript from each college or university that a student has attended. If the transcript shows that a student in their junior and senior years continues to enroll in a number of introductory courses and has not moved in real depth in a particular discipline, you might give that grade point average the less weight than the same average compiled by a student who has followed a rigorous academic program. Finally, the trend in grades is important. The committee often sees transcripts showing that a student has received his or her lowest grades in the first year of college. Particularly, if the student is attending a school with a rigorous academic program, it is not surprising that the adjustment to college will play some role in those grades in the first year. If the student has subsequently pursued a strong program and his or her grades continue to improve, you may be willing to give more weight to the grade average than to a similar one compiled by a student whose grades fall as he or she proceeds through college.

The evaluation of less quantifiable materials more clearly involves subjective judgments. Consider letters of recommendation. After a committee member has read hundreds of letters of recommendation, it becomes easier to decide whether the letter is a real recommendation or whether it is just a letter someone has written as a letter of recommendation.

The personal statement tells something about students, about their experiences in life, about who they are, about what they hope to do in law school and to what they hope to accomplish with a law degree. A personal statement is important, particularly in close cases. The personal statement is also a sample of the person's writing. Writing is a key skill for success in law school and in the profession. Does the person's statement suggest that they have this skill? You cannot always be sure who has written the personal statement. The Law School Admissions Test requires the student to write an essay during the test and that test is included in the admissions materials. If you have any question about an applicant's writing skill, the writing sample helps to answer that question. The sample from the LSAT is indisputably the student's.

The process attempts to reduce the subjectivity involved in the evaluation of both quantifiable and less quantifiable materials. Each file is reviewed by a committee member who makes a recommendation to the admissions committee either to admit or deny an applicant. Two days before the meeting of the committee, the admissions office circulates a list of recommendations and who on the committee has made each recommendation. These files are made available to other members of the committee in the admissions office. Members of the committee look at files about which they have questions. The meeting itself involves the discussion of recommendations about which some member of the committee has a question. This discussion brings the judgment of all the members of the committee to bear on the identification of appropriate criteria and their application in the individual case. As members' recommendations are challenged and the committee either

approves or disapproves of these recommendations, persons of good will alter the way in which they evaluate the files. Readers must convince the committee of the soundness of their evaluations.

Diversity of student background and experience is important. Both the Association of American Law Schools [AALS] and the American Bar Association [ABA] emphasize the importance of diversity of student background and perspective in the educational process itself and in training law students to be able to participate in and succeed in the society and in the world they will inhabit as attorneys.

In addition, diversity of background is particularly important to the Washington College of Law because of our history and sense of mission. WCL was founded in 1896 by two women involved in the movement for women's rights in the United States. They founded WCL to give women, as well as men, an opportunity to attend law school — and throughout our history, part of our mission has been to open the legal profession to portions of society who otherwise might not have the opportunity. For example, we believe that about sixteen percent of our entering J. D. class come from homes in which English is not the language spoken. This percentage shows that we have a very substantial number of recent immigrants or the children of recent immigrants to the United States applying to our law school. Diversity of student background and experience is important not only generally in legal education but is also particularly important at our school due to our history and sense of mission.

Admissions should use the internet and computer technology. We find that the age group into which most of our applicants fall is very comfortable with the internet; they do a lot of their research about law schools on the internet. We have an admission website for people who wish to find out about the law school. Also, they can apply on-line. We predict that this year perhaps half of our applications will be on-line applications. On-line applications appeal to applicants familiar with internet and reduce the costs of administration to us.

We can receive electronically from the Law School Data Assembly Service [LSAS], all the data, including the LSDAS report and the accompanying materials. We have the capacity to look at the applicants who have asked that a report be sent to our school but whose applications have not yet been received or entered into our system. This capacity permits us to judge the quantitative characteristics of these future applicants in determining how many invitations to enroll should be sent to applicants who have at that time been approved by the committee. We also have the capacity to compare the responses of applicants at each index level to offers of admission in previous years. This capacity enables us to predict how many entering students a certain number of acceptances will generate. This ability to predict enrollment reduces the risk that we will admit too many or too few students. Also, we are able to look at the current admissions pool through the computer data base — how many applications do we have, how many are in each index, how many

has the committee approved, and how many are admitted in each index.

We also use the internet extensively to convince students whom we have admitted to come to the law school. The Dean sends an e-mail to all accepted applicants. When reviewing an application, the reader notes areas in which the applicant has expressed an interest. Using this information, faculty in areas like international law, business law, intellectual property, will write an e-mail to these applicants regarding their work or the area in which they work. All these e-mails are personalized and then sent to all applicants who have expressed an interest in a particular area.

We also have a website for applicants who have been admitted. They are given a password with their acceptance letters. This website seeks to increase communication with those we have accepted and to encourage them to enroll. We also have created a chat room for students who have already been accepted. Through this chat room accepted applicants can communicate with each other. This communication allows potential students to get to know one another. We have found that students from particular cities will have gatherings which they plan themselves. This contact makes it more difficult for accepted applicants to decide to attend another school. Also, we are able to see what is discussed in the chat room. If the comments of accepted applicants suggest that we need to clarify something, we can then adjust the material that is on the website.

The final premise of admissions is that admissions should always be connected to WCL's educational goals. I believe that you have gotten a sense of the kind of lawyers we want to train, and the attributes of law students that are likely to make them successful lawyers. The admissions process should be tailored to the educational policies of the law school.

Last year all of the faculty members of the admissions committee were instructors of first-year students. If we admitted someone, there was a good chance that we would see that person in one of our classes. Living with our admissions decisions provided the ultimate accountability for them.

II Description of the WCL Admissions Process

I'll spend less time describing the admission process itself because I've already given a description of how applications are reviewed. The admissions process consists of three stages: getting people to apply, reviewing the applications of those who do apply, and convincing people who you accept to come to the law school. The first stage is recruitment. The second is evaluation and the third is conversion.

Regarding recruitment, WCL devotes a lot of effort to establishing relationships with pre-law advisors at different colleges and universities. We participate in a number of law school forums where prospective law students attend meetings in large cities. These meetings allow prospective students to see many law schools at one time and permit law

schools to meet large numbers of prospective students in one place. We also run our own recruitment trips. We send out a lot of admissions materials. We try to encourage visits to the law school. We believe that prospective students who see the law school and who have an opportunity to talk with our students about their experiences at WCL are more likely to attend the school. We have guided tours and visits to selected classes several days of the week throughout the school year. We also have self-guided tours and the admissions staff is always available to answer questions.

The evaluation of applicants begins in January and continues through May. We have rolling admissions, which means we deal with applications as they come in. Usually, the class is filled by the first of May. No deposits are due until April 15th. Students should have the opportunity to see how many acceptances they have received before they are forced to make a monetary commitment. (I will discuss below how this standard of good practice represents regulation of the admissions process)

The admissions process takes place without consideration of the need of some students for financial aid. In this sense, the process is “needs blind.” The admissions committee admits applicants without consideration of their financial resources. The grant of a scholarship or other financial aid is a separate process which occurs after an applicant is admitted. Almost all of our scholarships are based on financial need, rather than merit. (WCL spends about eighteen percent of its budget on tuition forgiveness) Recently, we have begun to give a limited number of merit-based scholarships to students who commit themselves to work for government or for public interest organizations. The school tries to give accepted applicants information about scholarships prior to the date by which they have to pay a deposit.

Conversion is, of course, changing people from accepted applicants to students. It is one of our most important activities. We maintain continual contact with accepted applicants by sending them a variety of materials. These materials include brochures describing special programs in the law school, such as international studies, the clinical program, law and government, the business program, and our environmental law program. In addition, we send out shorter one or two page “flyers” about these programs and others, such as the women and the law program, intellectual property courses and activities, and the health care program.

We encourage students who have been accepted to visit the school. In addition, we hold an accepted applicants’ day during which a number of special activities are planned. Accepted applicants see a sample class. They have the opportunity to meet and talk with students. At a lunch, they are introduced to the faculty. We encourage attendance because those who attend this day of activities are much more likely to enroll in the school.

III Issues in Admissions

There are a number of controversies regarding admissions in the United States. One of these is the use, or misuse, of the Law School Admissions Test (LSAT). The LSAT was designed to predict which students would be successful in law school. Increasingly, the LSAT has been used as a way of stratifying the admissions pool, and the test is being given an effect far beyond the predictive value claimed for it by the Educational Testing Service which created the test. Statistically, a person's score places them within a band of possible scores. For example, a person with a score of 138 falls within a statistically determined band between a 135 and a 141. The score of 138 is the most likely place along this band that the person's performance on the test can be placed. It is also possible, however, that their score could be a 135 or a 141. When you move toward the top of LSAT test scores, the importance of this statistical determination increases. For example, a score of 158 is within a band of scores from 155 to 161. At this level, the difference in law schools to which a person with a 155 and 161 would be admitted is immense. Legal educators are concerned that admissions practices fail to consider adequately the limits on the validity of the LSAT and its use in ways never intended by the developers of the test.

The LSAT is principally a multiple choice test. Some critics believe that is primarily a reading comprehension test. Some parts of the test attempt to replicate the skills involved in the comparison of cases and opinions. The test also contains logic games. (While my youngest daughter was in the fifth grade, her school was already training students in strategies to attack these logic game questions on standardized tests). There is a written essay on the test but it does not affect the student's score but only serves to provide a writing sample that is indisputably the applicant's.

Students spend thousands of dollars in the belief that they can improve their test scores. The prices for test preparation classes range from \$750 to over a thousand dollars. Some guarantee that the course will raise an applicant's score by a minimum number of points. If these test preparation courses are able to do what they claim, the testing process raises issues of equity because many applicants with resources to pay for courses may obtain an advantage on a test that is supposed to be measuring ability and aptitude.

While I have been on the admissions committee we have admitted a number of applicants with very low LSAT scores but who had other strengths that recommended them to the committee. I can remember a number of those applicants who have done very well and several of them have graduated at the top of their class.

No one involved in the design of the LSAT would assert that it has predictive value beyond how a person will do in the first year of law school. After a student's first year, the score is irrelevant because the best prediction of how you will do in the first year of law school is your performance in that year. However, a few employers, including some

judges, ask for the score. In my view, the score is being used as a way of branding an applicant that permits a judge to brag to colleagues that “my clerk had a 175 on the LSAT.” I believe that this labeling aspect of the LSAT, disconnected from its validity as a predictive device, is at the heart of some of the major problems with the admissions process.

This concern about misuse of the LSAT relates to another issue — the implications of law school ranking on admissions policy. In the United States, several magazines rank law schools based on a variety of criteria. One of the better known of these is the US News and World Report ranking of American law schools. After careful study by experts in the validity of the criteria used, the American Bar Association and the Association of American Law Schools have condemned those rankings and the methodology by which they are developed. These rankings are not a valid indicator of the quality of education received at each particular law school. Although the rankings consider a number of factors, an extremely important one is the LSAT score at different levels within the class.

Rankings play a role in the perceived prestige of a school. The combination of the limitations on the use of the LSAT and the impact of these rankings on admissions cause many schools to adopt an admissions process almost entirely based on quantifiable criteria, particularly the LSAT. Therefore, it is not necessarily sound education policy about the attributes we seek in future lawyers that drives the obsession with LSAT scores but its use to label law schools for purposes of the law school rankings. Admissions policies are basically educational policies. Increasingly educational policy is being driven by external factors such as law school rankings and their reliance on the LSAT. Some officials of the AALS have said that these ranking play a greater role in establishing educational policy for law schools than some of the accreditation visits of the AALS.

I would like to say that this stratification of law schools and applicants relying heavily on the LSAT has had no effect on admissions at WCL, but that would not be true. We pay more attention than we did a few years ago to the LSAT score. Our class would look different and it would be different if it were not for the rankings and the importance that they place on LSAT scores.

I would say that more than many law schools, WCL has been willing to sacrifice standing on the LSAT score in order to carry out other policies in our admissions process. It is unfortunate, in my opinion, that schools have to make this difficult choice. The test was never created to differentiate between individual applicants in the way that it is now being used.

IV Regulations of Admissions

Finally, I would like to speak briefly about regulation of admissions. Both the ABA and the AALS have standards that relate to admissions. One of the important standards concerns diversity of the student body. Students should bring a variety of skills and pers-

pectives in the student body. The ABA and the AALS standards also emphasize the importance of faculty control of the admissions process.

In addition, the Law School Admissions Council [LSAC] which consists of deans, admissions directors, and faculty involved in admissions in US law schools and also establishes rules of good practice which law schools follow. For example, no law school applicant may be required to pay a deposit at a law school until April 15th. This practice assures that applicants are not forced into a premature decision to submit money, sometimes a lot of money, to hold their place at a particular school. The LSAC also presents conferences, including annual conferences, and other meetings with law school professionals and faculty about admissions policy.

Some courts in the United States, particularly the United States Court of Appeals for the Fifth Circuit has struck down affirmative action programs at public colleges and universities. WCL as a private institution is not subject to these rulings and does not face the same restrictions that would be placed on some public institutions.

It is possible that Congress could regulate admissions policy in the US — not directly, but by its control of grants and the Federal Guaranteed Student Loan Program [FGSL]. Carl Monk talked about the importance of that FGSL program to the ability of many students to attend law school. Congress has never done so in the admissions area and to me it seems it would be unlikely that it would, but such regulation is a possibility. Congress has certainly used this authority over loans and grants to attempt to coerce law schools that refuse to let persons, including some branches of the military, who discriminate against students based on students' sexual orientation from recruiting at law schools. I believe that it would be unlikely that Congress would take similar action in the admissions areas.

The faculty of each law school plays an important role in admissions policy. As I indicated, admissions decisions at WCL are only made under delegated authority from the faculty. The faculty could limit or structure that delegation of power. If the faculty as a whole was displeased with the principles and policies of the admissions committee of the law school, such faculty action would likely occur.

Finally, there several kinds of informal regulation of the admissions process that occurs through contact among deans and law school faculty. For example, in the Washington DC area, all the deans of law schools in the area meet periodically to discuss issues of common interest, and at some of those meetings admissions policy has been raised and discussed. Also, law school admissions directors speak informally with their colleagues at other law schools. These informal exchanges influence regulation and bring a degree of peer pressure to bear which helps to prevent abuses.